

**ADAMS COUNTY ORDINANCE  
ESTABLISHING A COUNTY HIGHWAY DRIVEWAY ACCESS POLICY**

The County Board of Adams County, State of Wisconsin, does hereby ordain as follows:

**SECTION 1: AUTHORITY AND GENERAL**

- 1.1 Driveway permits are issued under the authority of Section 86.07(2), Wisconsin Statutes.

The Adams County Highway Department (hereinafter “Highway Department”) has the authority over and is responsible for the maintenance of the county trunk lettered highway system and all other county owned town roads (both referred to hereinafter “county highway”). The Highway Department oversees the driveway permit process, including surveillance and issuance of permits.

- 1.2 Driveway changes noted through monitoring are investigated to insure that they have been authorized and that they do not adversely affect the use of the highway. All changes must conform to the standards set forth by this policy and the Highway Department's discretion.

The purpose of the design standards are to promote orderly and safe movement in and out of private and public properties, to minimize interference with highway traffic, and to preserve the physical structure of the highway for convenience, general welfare, and economic viability.

**SECTION 2.: PERMIT PROCESS**

- 2.1 Any owner of the land adjacent to county highway right-of-way who wishes to construct a driveway shall apply to the Highway Department for a permit. Anyone requesting a permit should complete an application in compliance with this policy and the Wisconsin Statutes and file the application with the Highway Department. The Highway Department will review the application using the following guidelines: No person shall commence or continue construction of any driveway, or request or allow others to commence or continue construction of any driveway on that person's property, unless a permit has been issued in accordance with this policy.

- 2.2 Procedure to follow in considering a permit for a driveway:

- a) The property owner or owner's agent shall apply for a permit. The application should be filled out completely and returned to the Highway Department.

- b) The permit application will be reviewed by the Highway Department for conformance with this policy and with all applicable state, federal, and local laws, regulations, and policies.
- c) The Highway Department shall review the permit request with the applicant so that all needed information can be obtained and all requirements and restrictions can be explained.
- d) Applications for permits may be approved only by the Adams County Highway Commissioner or by one assistant if such assistant is so designated by the Highway Commissioner and approved by the Adams County Highway Committee. The Highway Commissioner or the designated assistant shall indicate approval by signature before any permit may be issued.
- e) The Highway Department will retain a copy of the application on file. The permittee shall retain the original.

2.3 During the review process, the following criteria should be considered:

- a) Zoning - The Highway Department should support local zoning and should not conflict with local zoning restrictions. Any conflicts with future projects, access control, scenic easements, certified survey map restrictions, subdivision plat restrictions, highway easements or recorded covenants, shall be resolved before issuance of permit.
- b) Access to Property - Normal limits are one driveway for a residential and agricultural property.
- c) Pull-out Distance - A safe pull-out distance, eight seconds at 55 mph, is required to provide a safe entry onto a highway.
- d) Driveway Grade - A driveway approach grade or intersecting area at the edge of the shoulder shall be provided adjacent to the highway to insure drainage away from the highway surface.
- e) Driveway Spacing - Spacing of driveways as noted in location, designs, and construction.

2.4 If the application is approved as provide in section 2.2(c), a permit will be issued. The applicant shall construct the driveway utilizing a pre-approved traffic control procedure explained by an authorized Highway Department employee. Each permit will be valid for one driveway location only.

2.5 Construction must proceed in accordance with this policy, and in conformance with all specifications, limitations, and conditions set out in the application and permit, unless

modification is approved in writing by the Highway Commissioner or the person designated under section 2.2(d). The Highway Department shall inspect the site of each driveway before and during construction to ensure compliance.

- 2.6 If the application is denied, the Highway Department shall notify the applicant and explain the reason for denial.
- 2.7 A permit is valid for construction of a driveway within one year of issuance. After one year has expired, the permit will no longer be valid and a new permit must be applied for and issued before construction may be commenced or continued.
- 2.8 The applicant shall pay to the Highway Department a fee for each permit application according to a fee schedule as established by the Adams County Highway Committee.
- 2.9 This section applies to all new driveway construction. A new driveway is defined to include expansion or relocation of an existing driveway where either edge or both edges of the driveway will be moved twenty (20) feet or more from the location of the corresponding edge of the existing driveway, or when the expansion or relocation would result in any violation of section 5 of this policy.

### SECTION 3: EXISTING DRIVEWAY REGULATIONS

- 3.1 This section applies only to driveways which were constructed prior to the effective date of Adams County Ordinance 10-1992.
- 3.2 No driveway constructed before the effective date of Adams County Ordinance 10-1992 may be altered unless a permit has been issued for the driveway and the driveway meets the standards prescribed by this policy. This does not pertain to surface maintenance. Driveway surface maintenance is permissible without issuance of a permit.
- 3.3 Salvaged culverts considered surplus by the County shall be offered for sale first to the local governing body from which removed, then to other locally governed bodies. No sale or conveyance shall be made to private individuals.
- 3.4 The county shall not be liable for injury to persons or property due to headwalls or ripraps at the ends of driveway culverts, if the owner is notified to remove them. This type of construction is not permitted under this policy.
- 3.5 Maintenance of driveways is the responsibility of the property owner or occupant, and maintenance of side roads is the responsibility of the local governing body.

#### SECTION 4: PERMIT REQUIREMENTS

4.1 The permittee in making the application agrees to the following:

- a) The permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the right-of-way.
- b) The permittee shall make the installation without jeopardy to or interference with traffic using the highway. Highway surfaces, shoulders, ditches, and vegetation disturbed shall be restored to equivalent of original condition by the permittee.
- c) No revisions or additions shall be made to the driveway or its appurtenances on the right-of-way without the written permission of the Highway Commissioner or the person designated under section 2.2(d) of this policy.
- d) The Highway Department reserves the right to make such changes, additions, repairs, and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining of the highway or to provide proper protection to life and property on or adjacent to the highway.
- e) That the permittee, his successors, or assigns agree to hold harmless the county of Adams and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the permit.
- f) The Highway Department does not assume any responsibility for the removal or clearance of snow, ice, or sleet or the opening of windrows of such materials upon any portion of any driveway or entrance along with any county highway even though snow, ice, or sleet is deposited or wind rowed on said driveway or entrance by its authorized representatives engaged in normal winter maintenance operations.
- g) The permit shall contain the statement and be subject to the condition that the work shall be constructed subject to the rules and regulations prescribed by the county highway department and be performed and completed to the county highway department's satisfaction.
- h) In case of temporary alterations the highway shall be restored to its former condition and the permittee shall be liable to Adams County for all damages which occur during the progress of said work or as a result thereof.
- i) Nothing herein shall abridge the right of the Highway Department, the county board, or highway committee to make such additional rules, regulations and conditions as may be deemed necessary and proper for the preservation of highways and for the safety of the public.

## SECTION 5: LOCATIONS, DESIGNS, AND CONSTRUCTION

- 5.1 Spacing standards for access driveways. Access driveways to highways from abutting properties shall comply with the following sight distance requirements that are consistent with AASHTO Geometric Design of Highways and Streets:

Design Speed (mph)	Stopping sight distance (feet)
15	80
20	115
25	155
30	200
35	250
40	305
45	360
50	425
55	495
60	570
65	645
70	720
75	820
80	910

- 5.2 Number and Width of Driveways per Land Use. The maximum number and width of access driveways per land use to highways and service roads shall be as follows:

Type of Access Driveway	Maximum Number of Access Driveways	Maximum/Minimum Width
Commercial, Schools, Industrial, Churches and Park Uses	2	40/24 feet
Residential Uses	1	36/16 feet
Agricultural Uses	1 per parcel	36/16 feet

Road classifications given above shall be as defined by the Wisconsin DOT function classification for rural and urban highway systems in effect at the time of the driveway construction or modification. Current classification maps shall be maintained by the Highway Department for public inspection.

- 5.3 Driveway Surfaces. The surface of the driveways can be a flexible bituminous asphalt type of pavement or gravel type. There will not be any portland cement surfaces accepted within the right-of-way unless the county trunk highway had been laid with portland cement.
- 5.4 Driveway Slope. The surface of the driveway connecting with rural type highway sections shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the highway roadbed. Every driveway shall have sloped sides at a minimum of 4:1 grade ratio or flatter and should be laid as shown on figure 15.
- 5.5 Culverts, Drainage, Curbs, and Gutters. The driveway shall not obstruct or impair drainage in highway side ditches or roadside areas. Driveway culverts, where necessary, shall in no case be less than the equivalent of 15-inch diameter pipe. The culvert installation should be as shown in layout sheet attached, page 8. Endwalls are preferred, but not mandatory. When any curb or gutter is removed for constructing a driveway, the new connection shall be restored.
- 5.6 Pre-existing Lots of Record. This policy shall not be enforced in such a way as to deny access to lots of record which are in existence prior to the adoption of Adams County Ordinance 10-1992.
- 5.7 Corner Lots. Where a parcel abuts more than one public road and where such roads are classified differently, access shall be required onto the road with the lowest classification, where possible.
- 5.8 Vision. Corners must be free of all obstructions at each access point in accordance with the applicable Vision Corner diagram. Driveway vision corners are to be measured from a point 3.5 feet above the center of the proposed access, 15 feet back from the edge of pavement of the CTH, to two points 4.5 feet above the center of the nearest oncoming lane of the CTH in each direction, at a distance of "D" from the point where the CTH meets the center of the proposed access. Distance "D" shall correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used. (See diagram).
- 5.9 Diagrams. The following diagrams showing layout details shall be followed where applicable.

## SECTION 6: COMMERCIAL-RURAL

- 6.1 Application. Section 6 applies to rural type highway classification driveways serving commercial or industrial, schools, churches, and park establishments.
- 6.2 Width of Drive. No driveway, except as hereinafter provided, shall have a width greater than 40 feet measured at right angles to the centerline of the driveway having a width greater than 62 feet total (including flare of return radius as shown on page 8 measured along a line ten feet from and parallel to the edge of the pavement on which the entrance will be constructed at a minimum width of 24 feet.
- 6.3 Return Radius. No return radius projected between the edge of highway pavement and the driveway shall be greater than 40 feet. Usually, these radius will be determined by restrictions given in subsection 6.2 and 6.4.
- 6.4 Angular Placement of Drive. The angle between the centerline of a driveway serving two-way traffic and the edge of the pavement shall not be less than 45 degrees. Where suitable precautions are taken, or one-way operation along divided highways permits only one-way operation of the driveways, the angle of the entrance drive to grantee's property may be decreased. The angle of the exit drive with the highway pavement shall be not less than 45 degrees.
- 6.5 Island Areas. Where a one-way traffic restriction on a driveway access is designated by signing or arrows painted on the roadway, an island area will be allowed with a minimum of 30 feet separating the two driveways.

## SECTION 7: RESIDENTIAL-RURAL

- 7.1 Section 7 applies to rural type highway classification driveways serving farm or residence property.
- 7.2 Width of drive. No non-commercial driveway shall have a width less than 16 feet nor greater than 36 feet measured at right angles to the centerline of the driveway except as increased by radii.
- 7.3 Return Radius. No return radius projected between the edge of highway pavement and the driveway shall be greater than 30 feet.
- 7.4 Angle Placement. The centerline of that part of the driveway lying on the county right of way shall be at approximately right angles to the pavement.

## SECTION 8: REVIEW OF DENIAL OF PERMIT

- 8.1 If the Highway Department denies a request for a permit under this policy or revokes a permit issued under this policy, the Adams County Highway Committee shall, upon written request by the applicant within 30 days after the denial, review the Highway Department's decision. A written request shall be deemed made when it is received at the Highway Department office.
- 8.2 The Adams County Highway Committee shall schedule a hearing at which it will consider such a request to be held within 60 days after receipt of the request. The person making the request shall be given notice of that hearing, and at the hearing shall have the opportunity to present evidence to the committee concerning the reasons for the request.
- 8.3 Within 30 days after the hearing the Adams County Highway Committee shall make its decision regarding the request. It may reverse, confirm, or modify the decision of the Highway Department. The Highway Department shall thereafter take action in conformance with the committee's decision.

## SECTION 9: PENALTIES AND REMEDIES

- 9.1 Any person who violates section 2.1, 2.5, or 3.2 of this policy shall be punished by a forfeiture of not less than \$50.00 nor more than \$500.00 for each offense. In case of a continuing violation, each day that the violation continues may be considered a separate violation.
- 9.2 This policy may be enforced by injunction issued by the Adams County Circuit Court or any other court having jurisdiction.
- 9.3 Any property altered by construction or other action in violation of this policy must be restored to its former condition at the property owner's expense. If the owner of the property fails to restore such property to its former condition within 30 days after notice to do so is given by the Highway Department, then the Highway Department may in its discretion restore the property to its former condition and recover the cost of doing so from the owner.

## SECTION 10: RULES OF CONSTRUCTION; REPEAL OF PRIOR ORDINANCE

- 10.1 The prohibitions expressed in this policy do not apply to the Highway Department and its authorized personnel in the performance of their duties.
- 10.2 Nothing in this policy shall be construed to conflict with any state statute or county ordinance. If any rule is held invalid by operation of law or by any court of jurisdiction, the remainder of the rules shall not be affected thereby.



10.3 All rules, regulations and ordinances previously adopted conflicting with the provisions of the county highway policy, not in accordance with sub (2) above, are hereby rescinded. Adams County Ordinance No. 35-1998 is hereby repealed and replaced by this ordinance.

10.4 The county driveway policy shall be effective upon the date of publication.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2003.

Submitted for enactment by the Adams County Highway Committee.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Enacted by the Adams County Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Adopted \_\_\_\_\_

Defeated \_\_\_\_\_ by the Adams County Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
County Board Chairman